

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jun 18, 2024

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

vs.

WILLIAM ROBERT FAYANT,

Defendant,

and

FREEDOMREWARDS 401(K) PLAN c/o
CWGS GROUP, LLC; STATE STREET
BANK ND TRUST; and
TRANSAMERICA RETIREMENT
SOLUTIONS, LLC,

Garnishees.

No. 2:23-CR-00048-TOR-001

ORDER OF CONTINGENT
GARNISHMENT

A Writ of Garnishment, directed to Garnishee, FREEDOMREWARDS 401(K) PLAN c/o CWGS GROUP, LLC; STATE STREET BANK AND TRUST; and TRANSAMERICA RETIREMENT SOLUTIONS, LLC, has been duly issued and served upon the Garnishee. Pursuant to the Writ of Garnishment, Garnishee State Street Bank and Trust filed its Answer on January 2, 2024, indicating that the Writ of Garnishment should be directed to Transamerica Retirement Solutions, LLC.

On or about February 13, 2024, in response to a subpoena issued by the

ORDER OF CONTINGENT GARNISHMENT ~ 1

1 Financial Litigation Unit, Garnishee Transamerica Retirement Solutions, LLC
2 provided documentation that it had in its possession or under its control, personal
3 property belonging to and due Defendant, and that Garnishee was indebted to
4 Defendant.
5

6 On December 8, 2023, Defendant was notified of the right to a hearing and
7 requested a hearing to determine exempt property.
8

9 On January 24, 2024, a hearing was held at the request of the Defendant.

10 Subsequent to the hearing on January 24, 2024, the United States and
11 Defendant stipulated to a one-time hardship withdrawal of \$4,000 from the
12 Defendant's FreedomRewards 401(K) account, keeping in place the current Writ of
13 Garnishment securing the remaining and future funds in the account.
14

15 **THEREFORE, IT IS ORDERED** that:
16

17 1. Defendant's Motion to Quash Writ of Garnishment, ECF No. 17, is
18 **DENIED.**

19 2. Garnishee record this Order as a valid lien upon WILLIAM ROBERT
20 FAYANT's future, contingent right to receive retirement funds from the Plan
21 once a distributable event, as outlined herein, occurs;
22

23 3. Notwithstanding the Writ of Garnishment, Garnishee **shall permit a one-**
24 **time hardship withdrawal of \$4,000** from the Defendant's account under such
25 terms and conditions as provided for in the Plan and subject to any appropriate
26
27

1 federal income tax withholding;

2 4. With the exception of a one-time hardship withdrawal of \$4,000, it is
3 ordered that upon the future occurrence of a distributable event as defined by
4 the Plan, the Garnishee shall immediately notify the United States and
5 immediately garnish the retirement funds in a manner consistent with the Plan
6 terms. Upon such garnishment, Garnishee shall pay the balances held in any or
7 all accounts of Defendant, plus any accrued interest or other deposits, in full to
8 Plaintiff subject to the mandatory 20% tax withholding required by 26 U.S.C. §
9 3405(c)(1), but without any assessment of an additional 10% tax withholding.

10 Payments shall be made payable to the **CLERK OF COURT, include the**
11 **defendant's name, WILLIAM ROBERT FAYANT and Case No. 2:23-CR-**
12 **00048-TOR-1, and be mailed to: United States District Court, Post Office**
13 **Box 1493, Spokane, Washington 99210-1493.**

14 The District Court Executive is directed to file this Order and provide copies to
15 the Parties and the Garnishee at the following address: FREEDOMREWARDS
16 401(K) PLAN, c/o CWGS Group, LLC, c/o CT Corporation System, Registered
17 Agent, 711 Capitol Way S., Ste. 204, Olympia, WA 98501.

18 DATED June 18, 2024.



Thomas O. Rice
THOMAS O. RICE
United States District Judge